

§ 525.2 Purpose.

The purpose of this part is to provide content and format requirements for low volume manufacturers of passenger automobiles which desire to petition the Administrator for exemption from applicable average fuel economy standards and for establishment of appropriate alternative average fuel economy standards and to give interested persons an opportunity to present data, views and arguments on those petitions.

§ 525.3 Applicability.

This part applies to passenger automobile manufacturers.

§ 525.4 Definitions.

(a) *Statutory terms.* (1) The terms *fuel*, *manufacture*, *manufacturer*, and *model year*, are used as defined in section 501 of the Act.

(2) The terms *average fuel economy*, *fuel economy*, and *model type* are used as defined in 40 CFR 600.002-77.

(3) The term *automobile* means a vehicle determined by the Administrator under 49 CFR part 523 to be an automobile.

(4) The term *passenger automobile* means an automobile determined by the Administrator under 49 CFR part 523 to be a passenger automobile.

(5) The term *customs territory of the United States* is used as defined in 19 U.S.C. 1202.

(b) *Other terms.* (1) The term *base level* and *vehicle configuration* are used as defined in 40 CFR 600.002-77.

(2) The term *vehicle curb weight* is used as defined in 40 CFR 85.002.

(3) The term *interior volume index* is used as defined in 40 CFR 600.315-77.

(4) The term *frontal area* is used as defined in 40 CFR 86.129-79.

(5) The term *basic engine* is used as defined in 40 CFR 600.002-77(a)(21).

(6) The term *designated seating position* is defined in 49 CFR 571.3.

(7) As used in this part, unless otherwise required by the context:

Act means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163);

Administrator means the Administrator of the National Highway Traffic Safety Administration;

Affected model year means a model year for which an exemption and alternative average fuel economy standard are requested under this part;

Production mix means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and

Total drive ratio means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

(Sec. 301, Pub. L. 94-163, 89 Stat. 871 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976; sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657))

[42 FR 38376, July 28, 1977, as amended at 44 FR 55579, Sept. 27, 1979]

§ 525.5 Limitation on eligibility.

Any manufacturer that manufactures (whether or not in the customs territory of the United States) 10,000 or more passenger automobiles in the second model year preceding an affected model year or in the affected model year is ineligible for an exemption for that affected model year.

§ 525.6 Requirements for petition.

Each petition filed under this part must—

(a) Identify the model year or years for which exemption is requested;

(b) Be submitted not later than 24 months before the beginning of the affected model year, unless good cause for later submission is shown;

(c) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, Washington, DC 20590;

(d) Be written in the English language;

(e) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the manufacturer;

(f) Set forth in full data, views and arguments of the petitioner supporting the exemption and alternative average fuel economy standard requested by

§ 525.7

49 CFR Ch. V (10–1–10 Edition)

the petitioner, including the information and data specified by § 525.7 and the calculations and analyses used to develop that information and data. No documents may be incorporated by reference in a petition unless the documents are submitted with the petition;

(g) Specify and segregate any part of the information and data submitted under this part that the petitioner wishes to have withheld from public disclosure in accordance with part 512 of this chapter.

(Sec. 301, Pub. L. 94–163, 89 Stat. 871 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976; sec. 9, Pub. L. 89–670, 80 Stat. 981 (49 U.S.C. 1657))

[42 FR 38376, July 28, 1977, as amended at 44 FR 55579, Sept. 27, 1979; 46 FR 2063, Jan. 8, 1981]

§ 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragraphs (b) through (h) in its petition.

(b) Whether the petitioner controls, is controlled by, or is under common control with another manufacturer of passenger automobiles, and if so, the nature of that control relationship, and the total number of passenger automobiles manufactured by such other manufacturer or manufacturers.

(c) The total number of passenger automobiles manufactured or likely to be manufactured (whether or not in the customs territory of the United States) by the petitioner in the second model year immediately preceding each affected model year.

(d) For each affected model year, the petitioner's projections of the most fuel efficient production mix of vehicle configurations and base levels of its passenger automobiles which the petitioner could sell in that model year, and a discussion demonstrating that these projections are reasonable. The discussion shall include information showing that the projections are consistent with—

(1) The petitioner's annual total production and production mix of passenger automobiles manufactured or likely to be manufactured in each of the four model years immediately preceding that affected model year;

(2) Its passenger automobile production capacity for that affected model year;

(3) Its efforts to comply with that average fuel economy standard; and

(4) Anticipated consumer demand in the United States for passenger automobiles during that affected model year.

(e) For each affected model year, a description of the following features of each vehicle configuration of the petitioner's passenger automobiles to be manufactured in that affected model year;

(1) Maximum overall body width, overall length, and overall height, determined in accordance with Motor Vehicle Dimensions SAE J1100a (report of Human Engineering Committee, approved September 1973, as revised September 1975);

(2) Vehicle curb weight;

(3) Number of designated seating positions and interior volume index;

(4) Basic engine, displacement, and SAE rated net power, kilowatts;

(5) Fuel metering system, including the number of carburetor barrels, if applicable;

(6) Drive train configuration and total drive ratio;

(7) Emission control system;

(8) Dynamometer road load setting, determined in accordance with 40 CFR part 86, and the method used to determine that setting, including information indicating whether the road load setting was adjusted to account for the presence of air conditioning and whether the setting was based on the use of radial ply tires; and

(9) Use of synthetic lubricants, low viscosity lubricants, or lubricants with additives that affect friction characteristics in the crankcase, differential, and transmission of the vehicles tested under the requirements of 40 CFR parts 86 and 600. With respect to automobiles which will use these lubricants, indicate which one will be used and explain why that type was chosen. With respect to automobiles which will not use these lubricants, explain the reasons for not so doing.

(f) For each affected model year, a fuel economy value for each vehicle configuration specified in 40 CFR 600.506(a)(2), base level, and model type